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Serial No. 10/046,607

RD-25993-7

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Barry Lee-Mean Yang et al. :

Serial No.: 10/046,607

: Group Art Unit: 1762

Filed: January 16, 2002

: Examiner: M. Padgett

For: MULTILAYER ARTICLE AND
METHOD OF MAKING BY ARC
PLASMA DEPOSITION

: Paper No.: 4

PROVISIONAL ELECTION WITH TRAVERSE

Assistant Director of Patents and Trademarks
United States Patent and Trademark Office
Washington, DC 20231

Sir:

Applicants appreciate the consideration shown by the Office, as evidenced by the Restriction Requirement mailed on March 25, 2003. In that Restriction Requirement, the Examiner required an election between Group I (Claims 4-8, 12, 17-19, and 52-58) and Group II (Claims 62-73). Accordingly, Applicants provisionally elect Group I (Claims 4-8, 12, 17-19, and 52-58), with traverse.

The Examiner states that restriction is proper because "the search required for Group II is not required for Group I."

Applicants submit that MPEP §803 explicitly states: "If the search and examination of the entire application can be made without serious burden, the examiner *must* examine it on the merits even though it includes claims to independent or distinct

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inventions." Applicants submit that the search and examination of method for arc plasma deposition of multiple layers from organosilicon and oxidant precursors (as claimed in Group I) and to a product having multiple layers formed by such a method (as claimed in Group II) does not impose a serious burden upon the Examiner, and that the entire application should be examined on the merits.

In light of the remarks presented herein, Applicants respectfully submit that the criteria for requiring restriction have not been met, and respectfully request that the Examiner withdraw the Restriction Requirement. If, however, any issues remain unresolved, the Examiner is invited to telephone the Applicants' attorney at the number provided below.

Respectfully submitted,



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April 17, 2003

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